

October 21, 2016

Julius Knapp  
Chief, Office of Engineering and Technology  
Federal Communications Commission  
455 12<sup>th</sup> St SW  
Washington DC 20554

Re: Public Notice, ET Docket 16-313, Office of Engineering and Technology Seeks Comment on Application by the American Association for Laboratory Accreditation Body for Expanded Scope Recognition as a Laboratory Accreditation Body for Authority to Accredite Laboratories in Additional Countries

Dear Mr. Knapp:

The American Association for Laboratory Accreditation (A2LA) has asked the Federal Communications Commission for permission to accredit labs in China, India, Philipines and Thailand so that those labs can issue Declarations of Conformity (DoCs) and certifications on behalf of manufacturers seeking to market and sell equipment in the United States. The Commission should take no action on the request at this time.

US-based test labs have no reciprocal path to become accredited for the purpose of marketing or selling in the named countries. US manufacturers must utilize test labs in those countries if they wish to sell equipment there.

There are multiple reasons for taking no action on the A2LA request. First, granting this application reduces the incentive for the governments of these countries to agree to a Mutual Recognition Agreement (MRA) that is the hallmark of reciprocity, and that ensures markets are open. All of the countries that A2LA has named are World Trade Organization members where signatories pledged to reduce trade distortions. "A primary objective of the MRAs is to ease the manufacturer's burden and reduce the cost and time to market for products by implementing transparent conformity assessment processes while ensuring that products that reach the market comply with applicable technical regulations of the importing economy."<sup>1</sup> By this request, A2LA ensures that that manufacturers in these four jurisdictions have a low-cost way to access the US market, while preserving the status quo for US manufacturers, who continue to face higher costs in accessing the four markets. If firms from these countries can access the US market using their own domestic labs, there is no incentive for the countries to work toward reciprocity.

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<sup>1</sup>[https://apps.fcc.gov/kdb/GetAttachment.html?id=xW%2BOumO0U85pK1sdmlsaCA%3D%3D&desc=901874%20D01%20Telecom%20MRA%20v01r01&tracking\\_number=203873](https://apps.fcc.gov/kdb/GetAttachment.html?id=xW%2BOumO0U85pK1sdmlsaCA%3D%3D&desc=901874%20D01%20Telecom%20MRA%20v01r01&tracking_number=203873) MRAs do not require harmonization of technical regulations or standards and only address the acceptance of conformity assessment results.

Second, grant of the A2LA application adversely impacts the longstanding effort of the US federal government agencies to reach an MRA with China, whose manufacturers and test labs stand to benefit the most from grant of A2LA's request. These issues were under discussion at the Joint Commission on Commerce and Trade as of November 2015, when the FCC's recent update to its rules around test labs was in the process of being implemented. The Ministry of Industry and Information Technology (MIIT) came to a meeting in Washington DC in March 2016, hosted by the United States Trade Representative and attended by officials from the FCC, the National Institute of Standards and Technology and others, including private sector representatives. As has subsequently been reported by the NIST, the conformance assessment agenda agreed to by the US and China included an engagement that potentially included discussions on a possible MRA for telecom equipment. However, to the disappointment of US industry, no MRA has been forthcoming.

Third, US test labs are unfairly disadvantaged. For these countries, there is no rule reciprocal to 47 C.F.R. Section 2.948 that allows accreditation organizations such as A2LA to accredit US test labs to approve equipment for sale in any of these four countries. While one might argue that the FCC could use its discretion to allow non-reciprocal treatment for the world's smallest economies, the facts are that China's GDP is second only to that of the United States, while India is ranked 7<sup>th</sup>, Thailand is 27<sup>th</sup> and Philippines ranks 34<sup>th</sup>. These are not small economies.

Finally, grant of the application disadvantages those APEC countries that have signed MRAs with the United States. The US has been highly successful at encouraging APEC countries to reach MRAs with the United States.<sup>2</sup> Now these countries, who have eased barriers to their markets in order for their manufacturers to have easier access to the US market, are watching as other countries get the benefit of US access without an MRA. Moreover, why would any country undertake an MRA negotiation in the future?

The undersigned respectfully request that the Commission take no action on the A2LA request.

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<sup>2</sup> <https://www.fcc.gov/general/equipment-authorization-apec-mra>;  
<http://gsi.nist.gov/global/index.cfm/l1-4/l2-16>

Respectfully submitted,

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